



To: Planning and Property Policy Board
On: 26 January 2016

Report by: Director of Development and Housing Services

Heading: Review of the Scottish Planning System

1. Summary

- 1.1. The Scottish Government has appointed an independent panel to undertake a strategic level review of the Scottish planning system to identify the scope for further targeted improvements. The Review aims to achieve a quicker, more accessible and efficient planning process in order to build investor and community confidence as well as deliver high quality housing developments.
 - 1.2. A call for written evidence was issued in late October 2015 with responses to be submitted by 1 December 2015.
 - 1.3. The independent panel will analyse the submissions from professional planners, representative groups and bodies with an interest in planning along with hearing oral evidence from a range of stakeholders.
 - 1.4. The panel is due to report its findings in Spring 2016. Thereafter the Scottish Ministers will respond to the recommendations with a programme of work to take forward further improvements to the planning system.
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2. Recommendations

- 2.1 It is recommended that the Board:
 - (i) Notes the response to the call for written evidence on the Review of the Scottish Planning System as set out in Appendix 1 which was submitted to the Scottish Government on the 1 December 2015.
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3. Background

- 3.1. The Scottish Government announced its intention to review the Scottish planning system in its publication 'A Stronger Scotland: The Government's

Programme for Scotland 2015/16. An independent panel was appointed to undertake the review.

3.2. The aims of the review are to:

- Ensure that planning realises its full potential, unlocking land and sites, supporting more quality housing across all tenures and delivering the infrastructure required to support development;
- Streamline, simplify and improve current systems and remove unnecessary blockages in the decision-making process;
- Ensure that communities are more engaged in the process; and,
- Continue to meet our statutory and international obligations in protecting and enhancing Scotland's nature and environment.

3.3. The role of the independent panel is to:

- Consider the strengths and weaknesses of the current planning system;
- Explore game changing ideas to improve planning in six key areas:
 - (1) Development Planning;
 - (2) Housing Delivery;
 - (3) Planning for Infrastructure;
 - (4) Streamlining Development Management;
 - (5) Leadership, resources and skills; and
 - (6) Community Engagement.

4. **Call for Written Evidence**

- 4.1. A Call for Evidence was issued on the 19 October 2015 inviting examples of effective planning in relation to some or all of the six key themes, identified above, along with ideas and suggestions for improvements.
- 4.2. The submission to the Call for Evidence can be found at Appendix 1. Due to the tight timescales in providing a response, the comments were submitted by the Head of Planning and Housing in consultation with the Convenor of the Planning and Property Policy Board.

5. **Next Steps**

- 5.1. The Scottish Government received over 350 submissions to the call for evidence. The panel will consider the evidence that has been submitted.
- 5.2. An online discussion forum to allow stakeholders further opportunity to feed into the review process has been operating throughout January as well as the panel inviting to hear oral evidence from a number of stakeholders covering a cross section of interests and experience.

- 5.3. Following the analysis of written and oral evidence, the panel is expected to produce a report in May 2016. The recommendations from the report will be taken forward by the Scottish Ministers establishing a programme of work to support the delivery of the suggested improvements to the Scottish planning system.
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Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None
3. **Community Planning** – None
4. **Legal** - None.
5. **Property/Assets** – None.
6. **Information Technology** - None
7. **Equality & Human Rights** -

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None
9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** – None

Appendix 1

Call for Evidence to the Review of the Review of the Scottish Planning System

List of Background Papers

- (a) None

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Appendix 1

Planning Review – Submission by Renfrewshire Council

Renfrewshire Council welcome the opportunity to contribute to the Independent Review of Planning. The comments below are submitted by the Head of Planning & Housing Services in consultation with the Convenor of the Council's Planning & Property Board as the time available did not allow the matter to be considered by full membership of the Board.

Notwithstanding this, the Council would welcome further opportunities to elaborate on any comments provided.

1. Development Planning

Renfrewshire Council consider that to ensure certainty and a framework for sustainable economic growth, the primacy of the development plan should remain a fundamental principle of the Scottish planning system.

Spatially focussed Development Plans are essential and it is considered that the next round of Development Plans will meet the aspirations of the '2006 Act', given the experience gained in the first round of plan preparation and the various styles of Examination.

It is considered that the multi tiered development plan approach works when the main aspiration is to promote sustainable economic growth across all regions and individual local authority areas. In this context it is considered that City Region Plans are required to guide and direct local development plans although there may be scope for the City Region Plans to address issues such as Transportation.

The Renfrewshire Local Development Plan has guided development and we successfully work with landowners, developers and house builders to promote and support the right development in the right locations. It is considered though that if the current development plan system was to change we would suggest removing the Main Issue Report, which would simplify the plan preparation process and reduce confusion.

The approach to development plan Examinations needs to be more consistent. The Examination of the previous round of development plans was varied. The need and usefulness of hearings is questionable particularly when the pertinent questions are not addressed. The Examination process is too long and requires to be dealt within 3 – 6 months.

There should still be a drive to "front load" the preparation stages leading to the production of a Proposed Plan earlier. Unresolved issues could be considered through an independent examination, possibly using the Planning Aid Service as opposed to the Department of Planning & Environmental Appeals, thus allowing the plan to be prepared and adopted within a maximum of 3 years.

Action programmes need to have a better, more proactive focus on delivery outcomes. These documents are important delivery vehicles, crucial to ensuring that development plans are not documents left on a shelf or development management guides.

2. Housing Delivery

Renfrewshire Council have learned that continuous conversation and engagement with all parties involved is crucial to delivery. However the challenging factor is to promote the message that housing delivery is good for places, important to sustain services and facilities

in areas as well as essential for investment. We consider this is for all parties to address and not just for the planning authority to deliver.

The Housing Need and Demand Assessment model should be consistently applied across the country and it is suggested that the HNDA could be undertaken at the national level where all of the data is fed locally into a single central source and the housing estimates are then distributed.

It is considered if this is well resourced this would speed up the HNDA process considerably allowing for authorities to then take more time over realistic housing supply targets in the local housing strategies and more effective land being identified in Development Plans.

A review of the legislation around the disposal of local authority land could also be considered. Currently local authorities require to dispose of land for the best consideration which can be reasonably obtained. Some flexibility would be helpful in enabling authorities to release sites at below market value to enable development, provided these are part of agreed strategies.

In addition legislation concerning the use of Road Bonds could be reviewed thus removing a potential risk to the development industry and providing more opportunities for a number of smaller and locally based development companies to deliver the needs of local housing markets.

In general the effective delivery of housing requires active participation by all. While there may be opportunities for reform of the system, it should be acknowledged that a number of other factors and stakeholders in the planning system who have a role to play, particularly statutory bodies as well as the development industry.

3 Planning for infrastructure

Delivery of infrastructure for housing and other investment requires much more direction from key agencies. Locations where development can happen need to be identified early in the process to direct developers, investors and the Council. Key agencies can frustrate and slow the development system by not providing the detail required to direct development.

In areas where infrastructure investment is required it would be invaluable if the potential extent of the investment is set out to inform whether development is cost effective and deliverable.

Section 75 should be used sparingly and instead a dedicated infrastructure fund would greatly assist in enabling development, particularly of brownfield sites which are not attractive to the development industry. There needs to be a greater link between infrastructure planning and spatial planning.

A centralised fund distributed by the Scottish Government to support the delivery of infrastructure to support development would be welcomed.

4 Development Management

Renfrewshire Council's performance in relation to the speed of determining planning applications is consistently high and while it is recognised that speed of decision making is important, on occasions this can be at the expense of good engagement and consultation with the applicant or others as well as the quality of the development outcome.

In relation to aspects of the Development Management function that need to change, we would suggest that the Pre-application Consultation (PAC) procedure should be removed or

reviewed as at present it is an unnecessary and confusing procedure. Feedback from the community, local members and developers is negative. It provides no added benefit to the planning system or to development proposals.

The Local Review Body procedures also require consideration. The format of the LRB's do not always seem open and transparent to applicants or those that have made representations on a planning proposal which has been refused. Renfrewshire Council would welcome a review of these procedures.

Finally a single "Building Permit" incorporating planning permission, heritage consents, road construction consents etc should be considered as a means to simplify the decision making process and to ensure better engagement with applicants and the community.

3rd party rights of appeal would not be welcomed and would only produce considerable delays and reduce confidence in investment decisions if introduced.

5 Leadership, Resourcing and Skills

It is considered that as the development plan requires to be ambitious, visionary, reflecting the priorities of the Council as well as the Community Plan and the Community Planning partners this has equipped planners with strong, skilled leadership values. These values have also been transferred to Development Management staff through proactively encouraging pre application consultation aiming to get investment in the right locations as well as the right outcomes for development proposals.

The pre-application stage is invaluable in the planning process. Renfrewshire Council have received very positive feedback from applicants and developers on the value gained from pre-application meetings and advice as well as the certainty and a reduction in delays. Better resourcing of the pre-application stage in the process would be extremely beneficial and would result in better planning proposals and faster decision making.

In relation to more shared services or exchange of expertise, Renfrewshire Council consider that this would be beneficial. However would not welcome an increased standardisation of procedures and processes across Scotland. An example of this is a standardised validation procedure. For developers that submit planning applications across the country, it is understandable that there is some frustration with different local authorities having different processes and procedures.

A standardised approach may prove to be too onerous for many small developers or agents. It is appropriate that some local authorities handle application differently from others. This helps Planners to develop their skills and use their initiative to assess each situation for the benefit of the applicant.

6 Community Engagement

Models of engagement such as charrettes are very successful in promoting active participation, encouraging the involvement of young people and raising the positive profile of planning generally. Such models are resource intensive, both financially and in relation to staff resources. Resources made available by the Scottish Government assist but there needs to be closer working with CP partners and community organisations such as development trusts to pool resources and approaches to engagement.

Planners have a lead role as facilitators, alongside other professions and arts practitioners, in delivery.

In relation to how we involve more young people in planning, if this was built into the Curriculum for Excellence where pupils get involved in local issues which are related to planning then this may get some younger people more aware of these local issues.